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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/640,966	Applicant(s) GORDON ET AL.	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicants' arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection. Applicants have canceled dependent claims 14-15.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11, 13 and 16-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2004/0117831), in view of Zdepski et al (USPN 6,606,746), both cited by the Examiner.

As to claim 1, note the Ellis et al reference which discloses a method for providing an interactive music interface. The claimed providing an interactive program guide (IPG) page is met by the program guide screen 100 as shown in Fig. 2 (or 110 in Fig. 3 for example) comprising a guide graphics portion (110 in Fig. 3, with brand identifier 102, advertisements 104A-C and icons 112A-O, see pg. 7, [0118]-[0120]) and a video portion (Video Window 105 in Fig. 3). The claimed said guide graphics having included therein a music icon representative of a topic of music is met by music icon (option 112D in Fig. 3, see pg. 14, ¶[0164]), which, when selected, displays the MUSIC HUB menu screen 630 as shown in Fig. 52, where the user may

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select a variety of program guide features related to music and music related programming, including music channels (option 631A). The claimed receiving a selection for the music icon is met by selecting the Music Channels option or icon (631A), which causes the MUSIC CHANNELS menu display 634 of Fig. 53A to be displayed, and the claimed providing the music interface page having included therein a listing of music channels is met by the MUSIC CHANNELS menu display 634 in Fig. 53A as described above (see pg. 20, [0217]-[0219]).

Ellis does not explicitly disclose the claimed said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices. However, the Zdepski et al reference teaches that the MPEG standard defines a slice as a contiguous sequence of 2 or more macroblocks (16x16 pixel blocks) that begin and end on the same row of macroblocks (see col. 2, lines 30-39 and col. 10, line 66 – col. 11, line 36). Zdepski further teaches a graphical user interface GUI in an interactive television system that provides a compressed background picture (encoded guide graphics portion) which comprises a plurality of slices, and one or more compressed insert pictures (video portion) which comprise one or more slices (see col. 2, line 42 – col. 3, line 33 and col. 4, lines 51-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the teachings of Zdepski, which teaches encoding video as slices using slice-based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led to make such a modification since using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

As to claim 2, the Ellis et al reference further discloses the claimed receiving an indication that a particular music channel has been selected as met by the user selecting or highlighting a music channel 636 as shown in Fig. 53A (see pgs. 20-21, [0219]-[0220]). The claimed retrieving an audio stream associated with the selected music channel and processing the retrieved audio stream is met by the user selecting an option or channel icon in listing 636 and the program guide tunes to the selected music channel and the audio of the program guide is switched to the selected channel (see Fig. 53A and pg. 21, [0220]-[0223]).

As to claim 3, the Ellis et al reference further discloses the claimed particular music channel is selected via depression of a particular key as met by the user using UP and DOWN arrow keys on the remote control (see pg. 21, [0220]).

As to claim 4, the Ellis et al reference further discloses the claimed the particular music channel is selected by movement of a cursor over the music channel as met by the user using the remote control arrow keys or cursor keys to highlight or select an option in listing 636 of Fig. 53A, where the program guide switches the current audio to the selected or highlighted music channel (see pg. 21, [0220], also see pg. 16, [0187]).

As to claim 5, the Ellis et al reference further discloses the claimed receiving an indication that a particular music channel has been highlighted; retrieving an audio stream associated with the highlighted music channel; and processing the retrieved audio stream as met by the user using the remote control arrow keys or cursor keys to highlight or select an option in listing 636 of Fig. 53A, where the program guide switches the current audio to the selected or highlighted music channel (see pg. 21, [0220], also see pg. 16, [0187]) by tuning to the selected music channel (pg. 21, [0220]-[0223]).

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As to claim 6, the Ellis et al reference further discloses the claimed particular music channel is highlighted by movement of a cursor over the music channel as met by using the remote control cursor keys as described above to move the highlighted region or cursor over the music channel.

As to claim 7, the Ellis et al reference further discloses the claimed retrieving a data stream associated with the selected music channel as met by the in-band data or channel received with the music channels (pg. 21, [0221]. The claimed decoding the data stream to retrieve descriptive information for the selected music channel and providing the descriptive information is met by the set-top box decoding the in-band information from the selected music channel and displaying the song title, artist, and album cover of the song, as well as other information in the program guide screen (pg. 21, [0221]-[0223].

As to claim 8, the Ellis et al reference further discloses the claimed retrieving a video stream associated with the selected music channel; decoding the retrieved video stream; and providing decoded video for the selected music channel as met by the user selecting option 631B in screen 630 of Fig. 52, where the program guide may display screen 640 as shown in Fig. 53B, which displays available music video channels and where the user may select an available channel from listing 641, where the program guide switches the current video in window 105 to the selected music video channel to play the current video and accompanying music and the set-top box tunes and decodes the video stream and data for display in the program guide screen 640 (see pg. 21, [0224]).

As to claim 9, the Ellis et al reference further discloses the claimed the music interface page includes a plurality of display regions as met by Fig. 53B, for example, the claimed wherein

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the selected music channel is included in a music channel listing that is displayed in a first display region is met by channel listing 641, and the claimed wherein the decoded video is displayed in a second display region is met by the music video region 105.

As to claim 10, the Ellis et al reference further discloses the claimed retrieving one or more objects used to identify the music interface page as met by objects 631A-631F as well as other objects as shown in Fig. 52; and the claimed providing the retrieved objects at particular locations of the music interface page is met by the locations of the objects described above as shown in the display screen 630 of Fig. 52.

As to claim 11, note the Ellis et al reference which discloses an interactive music interface page having a video portion and a guide graphics portion, as previously described in claim 1 above. The claimed at least one graphics display region of said guide graphics portion configurable to display a listing of a plurality of music channels is met by the upper region of each channel display object as shown in the channel listing 636 in Fig. 53A and 641 in Fig. 53B, which lists the name or title of the music channel. The claimed channel description region configurable to display information for a particular music channel in the listing is met by the lower region of each channel display object as shown in the channel listing 636 in Fig. 53A and 641 in Fig. 53B, which gives a description of the music channel, such as the artist name and the title of the song (see pg. 21, [0221] & [0224]). The claimed at least one video display region of said video portion configurable to display at least one video associated with said music channels is met by screen 645 in Fig. 53C as described above, where the album cover, music video, or other still image for the current song on the music or music video channel may be displayed on screen 645 (see pg. 21, [0225]). Ellis does not explicitly disclose the claimed said guide graphics

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portion including a plurality of encoded guide graphics portion slices, and the claimed said video portion including a plurality of encoded video portion slices; and a plurality of packet identifiers assigned to the video portion slices and the guide graphics portion slices, wherein a different packet identifier is assigned to each guide graphics slice that is part of a different guide graphic, and a common packet identifier is assigned to all the common video portion slices. However, the Zdepski et al reference teaches that the MPEG standard defines a slice as a contiguous sequence of 2 or more macroblocks (16x16 pixel blocks) that begin and end on the same row of macroblocks (see col. 2, lines 30-39 and col. 10, line 66 – col. 11, line 36). Zdepski further teaches a graphical user interface GUI in an interactive television system that provides a compressed background picture (encoded guide graphics portion) which comprises a plurality of slices, and one or more compressed insert pictures (video portion) which comprise one or more slices (see col. 2, line 42 – col. 3, line 33 and col. 4, lines 51-64). Moreover, regarding the claimed “plurality of packet identifiers...” Zdepski teaches MPEG encoding and the use of slices as described above, wherein packet identifiers (PIDs) assigned to the slices are inherent to the MPEG standard, in addition to, Zdepski discloses providing a background picture slice map and insert picture slice maps (see col. 2, line 42 – col. 3, line 33; col. 6, lines 50-53 and col. 7, line 5 – col. 8, line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the teachings of Zdepski, which teaches encoding video as slices using slice-based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led

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to make such a modification since using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

As to claim 13, the Ellis et al reference further discloses the claimed each display region is configurable to display a video in place of the music channel listing previously displayed in the display region as met by Fig. 53C, screen 645 (see pg. 21, [0225]).

As to claims 16-18, the Ellis et al reference discloses a music interface page as described above in claim 11. Ellis et al further discloses that the set-top box 26 may store data related to the interactive program guide in memory 26 or pre-load data in the set-top box (see Fig. 1A, pg. 5, [0101]; pg. 7 [0117]; and pg. 21, [0223]). The Ellis et al reference does not explicitly disclose that each display region includes a background comprised of strips of alternating colors, the background of strips is composed as a bitmap, and the bitmap for the background is pre-loaded to a set top terminal. However, the Examiner takes Official Notice that it is notoriously well known in the art of interactive program guides to have the background of each display region comprised of strips of alternating colors that are composed as a bitmap for the advantage of allowing the user to be able to view and select the listing of channels in an easy manner, since the display regions are divided into strips of alternating colors. In addition to, it is also well known in the art to use a bitmap display format for graphical user interfaces since bitmaps are easily portable between different platforms, bitmap images may be compressed, and easily processed for display. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have each display region include a background comprised of strips of alternating colors, where the background of strips is

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composed as a bitmap, and the bitmap for the background is pre-loaded to a set top terminal for the advantages given above.

As to claim 19, the Ellis et al reference further discloses the claimed header region configurable to display one or more objects identifying the music interface page as met by the header region which displays the object entitled, "MUSIC HUB", as shown in the menu screen 630 as shown in Fig. 52. Other menu screens have similar header regions to display one or more objects for identifying the page, screen or menu.

As to claim 20, the Ellis et al reference further discloses the claimed least one object in the header region is associated with a video as met by the VIDEO WINDOW 105 as shown in Figs. 52, 53A-53B, 53E, 54A-54E, and 55-57.

As to claim 21, the Ellis et al reference further discloses the claimed video is used to provide animation of the associated object as met by the program guide switches the current video in window 105 to the selected music video channel to play the current video and accompanying music (see pg. 21, [0224]).

As to claim 22, the claimed at least one object in the header region is composed as a bitmap is met by similarity to the rejection of claim 17 as described above.

As to claim 23, the claimed bitmap for each of the at least one object is encoded and sent via an in-band channel or an out-of-band channel is met in-part by the rejection of claim 22 as described above regarding the bitmap format, in addition to, the Ellis et al reference discloses that the data or objects may be transmitted via an in-band channel or an out-of-band channel as described on page 21 in ¶'s [0221]-[0224].

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As to claim 24, the claimed text descriptive of the music channels in the listing is composed as a bitmap is met by similarity to the rejection of claim 17 as described above.

As to claims 25 and 26, the claimed bitmap for the text of the music channels is encoded and sent via an out-of-band channel, and with regards to claim 26, may also be sent via an in-band channel is met in-part by the rejection of claim 24 as described above regarding the bitmap format, in addition to, the Ellis et al reference discloses that the data or objects may be transmitted via an in-band channel or an out-of-band channel as described on page 21 in ¶s [0221]-[0224].

As to claim 27, the Ellis et al reference discloses an interactive music interface page as described above in claim 11. The Ellis et al reference does not explicitly disclose that the text descriptive of the music channels in the listing is coded as slices via slice-based encoding. The Zdepski et al patent teaches a system and methods for preparing multimedia data using digital video data compression, wherein the video, which may include text, is encoded as slices via slice-based encoding as described above in claim 11 (also see col. 4, line 51 – col. 5, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the additional teachings of the Zdepski et al reference which teaches encoding video as slices using slice-based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led to make such a modification since using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

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As to claim 28, note the Ellis et al reference which discloses the claimed interactive user interface for a terminal (set-top box 26) coupled to a server (11, 12 and 16) via a distribution network (18, 21A-C, 24 and 31) as shown in Fig. 1A. The claimed the user interface comprising a program guide (Fig. 3, for example) including one or more guide pages rendered and encoded at the server (16 (server 22), see Fig. 1A and pg. 5, [0101]). The claimed said guide pages (the program guide screen 100 as shown in Fig. 2 or 110 in Fig. 3 for example) comprising a guide graphics portion (110 in Fig. 3, with brand identifier 102, advertisements 104A-C and icons 112A-O, see pg. 7, [0118]-[0120]) and a video portion (Video Window 105 in Fig. 3). The claimed a music interface linked to the program guide and including at least one music interface page constructed at the terminal is met by Fig. 52 (see pg. 20, [0217] and [0219] and pg. 21, [0223]). Ellis does not explicitly disclose the claimed wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices. However, the Zdepski et al reference teaches that the MPEG standard defines a slice as a contiguous sequence of 2 or more macroblocks (16x16 pixel blocks) that begin and end on the same row of macroblocks (see col. 2, lines 30-39 and col. 10, line 66 – col. 11, line 36). Zdepski further teaches a graphical user interface GUI in an interactive television system that provides a compressed background picture (encoded guide graphics portion) which comprises a plurality of slices, and one or more compressed insert pictures (video portion) which comprise one or more slices (see col. 2, line 42 – col. 3, line 33 and col. 4, lines 51-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference with the teachings of Zdepski, which teaches encoding video as slices using slice-

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based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led to make such a modification since using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

As to claims 29-30, the Ellis et al reference further discloses the claimed at least one music page is constructed using low-bandwidth data received from the server by the terminal, and wherein the low-bandwidth data is transmitted via an out-of-band channel of the distribution network as met by the data or objects may be transmitted via an out-of-band channel as described on page 4 in ¶ [0095] and page 21 in ¶ [0223].

As to claims 31 and 33, the claimed at least one music page comprises a striped background, and wherein the terminal overlays text within stripes of the striped background to create listings of available music content is met in-part by the text listing of the music channels and information related to each channel 636 in Fig. 53A (pg. 21, [0221]), and by a similarity to the rejection of claim 16 as described above.

As to claim 32, the claimed striped background is pre-loaded to the terminal is met by similarity to the rejection of claim 18 as described above.

As to claim 34, the Ellis et al reference further discloses the claimed a link within the at least one music interface page to provide an electronic commerce opportunity to purchase music content as met by option 656C in Fig. 53E, where the user may select the option in order to attempt to purchase the music content.

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4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al, in view of Zdepski et al, in further view of Hendricks et al (USPN 5,990,927), all cited by the Examiner.

As to claim 12, the Ellis et al reference in combination with Zdepski et al discloses a music interface page as described above in claim 11. The Ellis and Zdepski references do not explicitly disclose that the music interface page includes two display regions located side by side to provide two columns of music channel listings. The Hendricks et al patent teaches a music interface page comprising display regions located side by side to provide multiple columns of music channel listings as shown in Fig. 21. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive music interface page in the Ellis et al reference as previously combined with Zdepski with the teachings of the Hendricks et al reference which shows more than one column of music channel listings in display regions located side by side for the advantage of providing additional music channels on a single display screen in an organized format. One of ordinary skill in the art would have been led to make such a modification since having more than one column of music channel listings is merely a design choice or a feature that may be set up by the designer or user of the product.

5. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (USPN 5,990,927), in view of Ellis et al (US 2004/0117831), in further view of Zdepski et al, all cited by the Examiner.

As to claim 35, note the Hendricks et al reference which discloses a set top terminal (STT) (220, Figs. 1, 3 and 4) for receiving programming guide data. The claimed demodulator

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operative to receive a modulated signal and generate a transport stream is met by demodulator 606 in Fig. 4. The claimed transport demultiplexer coupled to the demodulator and operative to receive and process the transport stream to provide a plurality of elementary streams is met by demultiplexer 609 in Fig. 4. The claimed decoder (600) coupled to the transport demultiplexer (609) and operative to decode a first elementary stream to generate an interactive program guide (IPG) page (Fig. 21). Hendricks et al discloses providing a music interface page having included therein a listing of music channels see Fig. 21 (also see col. 39, line 18 – col. 40, line 53).

Hendricks does not explicitly disclose an interactive program guide having included therein a music icon representative of a topic of music, which provides an IPG page for display, receiving a selection for the music icon, and providing a music interface page having included therein a listing of music channels. Hendricks provides a music interface page having included therein a listing of music channels (Fig. 21) as described above, which is accessed directly from the user pressing a button on the remote control Fig. 13b (see col. 30, lines 40-62). The Ellis et al reference discloses an interactive program guide (110) comprising a guide graphics portion (110 in Fig. 3, with brand identifier 102, advertisements 104A-C and icons 112A-O, see pg. 7, [0118]-[0120]) and a video portion (Video Window 105 in Fig. 3). The claimed said guide graphics portion of said IPG page having included therein a music icon (option 112D in Fig. 3, see pg. 14, ¶[0164]) representative of a topic of music, which provides a IPG page for display, receiving a selection for the music icon, and providing a music interface page having included therein a listing of music channels, which is met by selecting option 112D, where the system displays the MUSIC HUB menu screen 630 as shown in Fig. 52, where the user may select a variety of program guide features related to music and music related programming, including music

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channels (option 631A). The claimed receiving a selection for the music icon is met by selecting the Music Channels option or icon (631A), which causes the MUSIC CHANNELS menu display 634 of Fig. 53A to be displayed, and the claimed providing the music interface page having included therein a listing of music channels is met by the MUSIC CHANNELS menu display 634 in Fig. 53A as described above (see pg. 20, [0217]-[0219]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the set top terminal of Hendricks et al with the teachings of the additional menus and icons as disclosed in the Ellis et al reference for the advantage of providing means of accessing the music channels through the interactive program guide and not just the remote control. One of ordinary skill in the art would have been led to make such a modification since providing additional ways of accessing the music channels would be beneficial to the user and is commonly used in many interactive program guide services. Hendricks and Ellis do not explicitly disclose the claimed wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices. However, the Zdepski et al reference teaches that the MPEG standard defines a slice as a contiguous sequence of 2 or more macroblocks (16x16 pixel blocks) that begin and end on the same row of macroblocks (see col. 2, lines 30-39 and col. 10, line 66 – col. 11, line 36). Zdepski further teaches a graphical user interface GUI in an interactive television system that provides a compressed background picture (encoded guide graphics portion) which comprises a plurality of slices, and one or more compressed insert pictures (video portion) which comprise one or more slices (see col. 2, line 42 – col. 3, line 33 and col. 4, lines 51-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have further combined

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the Hendricks and Ellis et al references with the teachings of Zdepski, which further teaches encoding video as slices using slice-based encoding for the advantages of saving transmission bandwidth, data processing, and data storage, since video data updates are smaller in size. One of ordinary skill in the art would have been led to make such a modification since using slice-based encoding provides additional efficiency for transmitting and processing video data as described above.

As to claim 36, the claimed decoder is further operative to receive an indication that a particular music channel has been selected, retrieve an audio stream associated with the selected music channel, and process the retrieved audio stream is met by the set-top box 26 in the Ellis et al reference and the additional features as previously described above in claim 2.

As to claim 37, the claimed decoder is further operative to retrieve a data stream associated with the selected music channel, decode the data stream to retrieve descriptive information for the selected music channel, and provide the descriptive information is met by the set-top box 26 in the Ellis et al reference and the additional features as previously described above in claim 7.

As to claim 38, the claimed the decoder is further operative to retrieve a video stream associated with the selected music channel, decode the retrieved video stream, and provide decoded video for the selected music channel is met by the set-top box 26 in the Ellis et al reference and the additional features as previously described above in claim 8.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (571) 272-7346. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (571) 272-2600.

Michael W. Hoyer
April 19, 2005


JOHN MILLER
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